

# **Town Board Minutes**

## **Meeting No. 4**

### **Regular Meeting**

**February 8, 2005**

## ***Town Board Minutes***

February 8, 2005

Meeting No. 4

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 8<sup>th</sup> day of February at 8:00 P.M. and there were

**PRESENT:** DANIEL AMATURA, COUNCIL MEMBER  
MARK MONTOUR, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
ROBERT LABENSKI, TOWN ENGINEER  
RICHARD SHERWOOD, TOWN ATTORNEY  
JEFFREY SIMME, BUILDING INSPECTOR  
GARY STOLDT, CHIEF OF POLICE  
CHRISTINE FUSCO, ASSESSOR  
TERRENCE McCracken, GENERAL CREW CHIEF

### **EXECUTIVE SESSION:**

UPON MOTION DULY MADE BY COUNCIL MEMBER AMATURA, SECONDED BY COUNCIL MEMBER RUFFINO, to deliberate in Executive Session for the announced purpose of discussing action pending against the Town regarding a foil request, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

At 9:45 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

**PERSONS ADDRESSING TOWN BOARD:**

**Robert MacPeck**, Town of Lancaster Office of Emergency Management (OEM), presented to the Town Board OEM'S 2004 Annual Report.

**Chowaniec, Lee**, 93 Northwood Drive, spoke to the Town Board on the following matters:

- Comments regarding litigation of project at Transit Road and William Street.
- Comments/questions regarding subdivision approval proceedings for Pleasant Meadows Subdivision.

**Fronczak, Mike**, 3 Woodstream Drive, spoke to the Town Board on the following matters:

- Complained that the Town Hall Board Room is too warm.
- Questioned why the Town has two men from the Highway Department plowing snow & checking drainage.

**Symer, Donald**, 610 Columbia Avenue, spoke to the Town Board on the following matter:

- Thanks Town for cleaning out drainage ditch on Kennedy Court.

**Plwko, Jerry**, 25 Whitestone Lane, spoke to the Town Board on the following matter:

- Stated that he was not aware that there would be a development behind his street - specifically Pleasant Meadows Subdivision. Asks that the Town Board notify all residents in the area whenever there is action taken on subdivisions in that vicinity.

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED**, that the minutes of the joint meeting of the Town Board and the  
Planning Board held January 18, 2005 and the minutes of the Town Board held January 18, 2005 be  
and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 8, 2005

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the Town Board is aware that in snowplowing Town roads there may on occasion be inadvertent damage to mailboxes, and

**WHEREAS**, the cost of mailboxes has increased and as a result the Town Board deems it appropriate to increase the reimbursement paid to homeowners for damages to mailboxes retroactive to December 1, 2004;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby increases the reimbursement to be paid to residents whose mailboxes are inadvertently damaged by snowplowing of Town roads to a sum not to exceed \$75, retroactive to December 1, 2004, upon the resident submitting a receipt to the Highway Department, and

**BE IT FURTHER**

**RESOLVED**, that the Town Board directs that the Highway Superintendent cause the payout of the reimbursement as aforesaid.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 8, 2005

File:mailboxreimbursement105

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUT, WHO MOVED  
ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has reviewed a proposal for insurance consulting for the Town of Lancaster, and

**WHEREAS**, after due review and consideration of the proposals the Town Board has determined that it is in the public interest to accept the proposal made by Municipal Insurance Consultants, Incorporated;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into an Agreement with Municipal Insurance Consultants, Inc., 5687 Main Street, Williamsville, New York 14221 on the terms and conditions set forth in its proposal for the year commencing January 5, 2005 and running through January 5, 2006, at an annual fee of \$3,500, in accordance with the terms and conditions of said Agreement, a copy of which is on file in the Town Clerk's Office, and

**BE IT FURTHER**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to sign the addendum to the aforementioned agreement which increases the fee to \$7,000 if, during the course of the contract, both Municipal Insurance Consultants, Inc. and the Town of Lancaster decide that they should proceed with the bidding of the Town's insurance program.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUT	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 8, 2005

File:municipalinsuranceconsultant205

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Highway Superintendent has submitted a proposed Agreement to the Town Board of the Town of Lancaster for the expenditure of highway funds for the year 2005, pursuant to the requirements of the Highway Law of the State of New York, and

**WHEREAS**, the Highway Superintendent has advised that the allocation of money in the proposed Agreement for general repairs to be carried out includes the cost of labor and materials, and

**WHEREAS**, the Town Board of the Town of Lancaster has reviewed the proposal by the Highway Superintendent;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster does hereby authorize the execution of the proposed Agreement to Spend Town Highway Funds for the year 2005, as submitted by the Superintendent of Highways.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 8, 2005

File: thwyfnds105

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

**WHEREAS**, after review and consideration, the Town Board of the Town of Lancaster deems it in the public interest to amend Article XXIV of Chapter 46, Vehicle and Traffic, by the repeal in its entirety of §46-35.1. through §46-35.5. entitled "Surcharge on Vehicles and Traffic Offenses."

**A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF LANCASTER, BY DELETING IN ITS ENTIRETY §46-35.1. THROUGH §46-35.5. ENTITLED "SURCHARGE ON VEHICLES AND TRAFFIC OFFENSES." OF CHAPTER 46 - VEHICLE AND TRAFFIC.**

**BE IT ENACTED** by the Town Board of the Town of Lancaster as follows:

**SECTION 1:** That §46-35.1. through §46-35.5. of Article XXIV of Chapter 46 - Vehicle and Traffic be and is hereby repealed in its entirety.

**SECTION 2:** This Local Law shall become effective upon filing with the Office of the Secretary of State.

**NOW, THEREFORE, BE IT  
RESOLVED**, as follows:

1. That pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on a proposed Local Law of the Year 2005, which local law repeals in its entirety §46-35.1. through §46-35.5. entitled "Surcharge on Vehicles and Traffic Offenses" of Article XXIV of Chapter 46, Vehicle and Traffic, of the Code of the Town of Lancaster, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York 14086, at 8:30 o'clock P.M. Local Time, on the 28<sup>th</sup> day of February 2005, and that Notice of the Time and Place of such Hearing shall be published on February 10, 2005 in the Lancaster Bee, being a newspaper of general circulation in said Town, which Notice shall be in the form attached hereto and made a part hereof, and



2. That the Town Clerk is hereby directed to make copies of this proposed Local Law for the Year 2005, for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 8, 2005

File: rlocalawamendsurchargeofvehicleandtrafficfee205

**LEGAL NOTICE  
PUBLIC HEARING  
PROPOSED LOCAL LAW  
TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted February 8, 2005, the said Town Board will hold a Public Hearing on the 28th day of February, 2005, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon a proposed Local Law of the Year 2005, which Local Law repeals in its entirety, §46-35.1. through §46-35.5. entitled "Surcharge on Vehicles and Traffic Offenses" of Article XXIV of Chapter 46, Vehicle and Traffic, of the Code of the Town of Lancaster.

**"A LOCAL LAW TO REPEAL A LOCAL SURCHARGE ON CONVICTIONS RENDERED IN THE TOWN JUSTICE COURT PURSUANT TO THE ENABLING AUTHORITY OF SECTION 1809-D OF THE VEHICLE AND TRAFFIC LAW, AS ADDED BY CHAPTER 56 OF THE LAWS OF 2004."**

A complete copy of the Local Law to be repealed, designated as Section §46-35.1. through §46-35.5., "Surcharge on Vehicles and Traffic Offenses" of Article XXIV of Chapter 46 - Vehicle and Traffic of the Code of the Town of Lancaster, is available at the office of the Town Clerk for inspection and distribution to any person during business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

By: **JOHANNA M. COLEMAN**  
Town Clerk

February 8, 2005

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the Highway Superintendent of the Town of Lancaster has requested the purchase of one (1) new 2005 Chevrolet pick-up truck for the use of the Highway Department, and

**WHEREAS**, this truck is available from a New York State contract which eliminates the need for competitive bidding under the General Municipal Law, and

**WHEREAS**, the Town Board deems it in the public interest to approve the purchase of said truck;

**NOW, THEREFORE, BE IT  
RESOLVED**, as follows:

1.) The Town Board of the Town of Lancaster hereby approves the purchase of one (1) new 2005 Chevrolet pick-up truck, from the 2005 authorized state bid contractor Hosclton Chevrolet Inc., 909 Fairport Road, East Rochester, New York 14445 as proposed by the Superintendent of Highways of the Town of Lancaster in the sum not to exceed the state contract price of \$17,821.45 which sum shall be paid with funds available in the 2005 Highway Department budget, and

**BE IT FURTHER  
RESOLVED**, that the Town Clerk attach a copy of the state contract authorization to this resolution.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 8, 2005

GROUP 40560 - PICKUP TRUCKS  
(2005 Model Year) (Statewide)

AWARD PAGE 13

**ITEM 10A - 1/2-TON PICKUP TRUCK, EXTENDED CAB, SHORT BOX, 4X4**

Make and Model of Vehicle: CHEVROLET SILVERADO 1500 WORK TRUCK, (CK15733)  
EXTENDED CAB, SHORT BOX 143.5" WB, 4X4

Unit Price: \$17,417.00 plus DAS\*

Discount on Options 17%\*\*

Delivery: 100 days A/R/O

Vehicle will be equipped with all standard equipment for the model specified including the following:

Vortec 4800 V8 SFI Engine	6,400# GVWR
4 Speed Automatic Transmission w/OD	4-Wheel Anti-Lock Brakes
Air Conditioning	Rear Step Bumper
Full Size Spare Tire and Wheel	

Note: A LISTING OF STANDARD AND AVAILABLE OPTIONS CAN BE FOUND AT: [www.chevrolet.com](http://www.chevrolet.com)

CONTRACTOR: ITEM 10A: HOSELTON CHEVROLET, INC.	DAS REGION: 1 (Monroe County)
PC60924	HOSELTON CHEVROLET, INC.
	585/586-7373, Ext. 234 160731157
	909 Fairport Road
	Mr. Richard R. Perry
	585/341-7851
	E-mail: <a href="mailto:rperry@hoselton.com">rperry@hoselton.com</a>
	Web: <a href="http://www.hoselton.com">www.hoselton.com</a>
	E. Rochester, NY 14445

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
WHO MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster approved a site plan for the development of property at the northeast corner of William Street and Transit Road on February 10, 2003, that development as proposed by NEC Transit William LLC (NEC), and

**WHEREAS**, the developer has now requested that the Town Board exercise its statutory discretion to extend the approval of the site plan pursuant to the authority granted to the Town Board under Section 50-42 (C) (5) of the Zoning Code of the Town of Lancaster for the reason that there are factors beyond NEC's reasonable control which have delayed NEC from commencing construction within the statutory two year period commencing February 10, 2003, and

**WHEREAS**, the delay involves commencement of legal actions initiated by C.A.R.S. in 2004 in U.S. District Court, Western District of New York against both NEC and the United States Army Corps of Engineers (USACOE) in which C.A.R.S. alleges that NEC violated stormwater SPDES requirements and further that the USCOE violated administrative procedures in issuing a federal wetland permit for the project, and

**WHEREAS**, the Town Board after due review and consideration deems it reasonable and in the public interest to extend the approval of the site plan submitted by NEC Transit William LLC for the development of the northeast corner of William Street and Transit Road which was the subject of a site plan approval resolution of the Town Board on February 10, 2003, the developer having cited reasonable cause for the delay in failing to commence construction within a two year period normally required by the Town of Lancaster zoning code.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Town Board of the Town of Lancaster hereby grants an extension of the site plan approval for the proposed development of the northeast corner of William/Transit for a period of two (2) years to commence February 11, 2005 and ending February 10, 2007, and

**BE IT FURTHER**

**RESOLVED**, that all terms and conditions which are recited in the prior Town Board resolution approving the site plan on February 10, 2003 as well as all of the terms and conditions set forth in the prior SEQRA findings resolution adopted on April 8, 2002, shall remain in effect relative to the grant of this extension of the approval of the beforementioned site plan.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 8, 2005

File: rwilliamtransitsiteplanapproval205

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED  
ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the General Crew Chief of the Parks and Recreation Department of the Town of Lancaster by letter dated February 3, 2005 has recommended the appointment of Louis Mucciaccio to the position of Van Driver, permanent, part-time, at the Senior Citizens Center of the Town of Lancaster.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Louis Mucciaccio, 87 Lincoln Street, Depew, New York be and is hereby appointed to the position of Van Driver, permanent, part-time, at the Senior Citizens Center of the Town of Lancaster, effective immediately, at \$7.00 per hour, and that this appointment, being a part time position, provides no health insurance, sick days, vacation or other fringe benefits not specifically mandated for part time employees.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 8, 2005

file: Rpers\Rperstc.p.1 (P5)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER AMATURA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Police Chief of the Town of Lancaster Police Department has advised the Town Board that his department has been providing fingerprinting for non-criminal purposes at no charge and that in the year 2004 the department processed a total of 300 fingerprint cards, and

**WHEREAS**, the Chief has now asked the Town Board to impose a charge of \$10 per card for Town residents and \$25 per card for non-residents to help off-set the cost of providing this non-criminal fingerprinting service, and

**WHEREAS**, the Town Board has reviewed the request of the Chief and deems it to be in the public interest to cause the implementation of a charge as outlined by the Chief of Police;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Police Department to charge a fee of \$10 per card for Town residents for fingerprinting for non-criminal purposes and a charge of \$25 per fingerprint card for non-residents for the cost of non-criminal fingerprinting services, said fees enacted hereunder to become effective immediately upon adoption of this resolution.

**BE IT FURTHER**

**RESOLVED**, that the Town Clerk forward a certified copy of this resolution to the Chief of Police of the Town of Lancaster.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 8, 2005

File: rfingerprintingservices205



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER MONTOUR, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid  
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the  
Director of Administration and Finance, to wit:

Claim No. 13414 to Claim No. 13745 Inclusive

Total amount hereby authorized to be paid: \$578,355.22

The question of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 8, 2005

File: Relaims

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby  
reaffirmed:

**CODES:**

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are  
waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

**NEW PERMITS:**

12533	Randaccio Bldrs	26 Beatrix Cir	Er. Dwlg.-Sin.	
12534	Lovejoy Builders Inc	25 Ann Marie Dr	Er. Dwlg.-Sin.	
12535	Haag, Christopher	241 Westwood Rd	Er. Res. Add.	
12536	Wilcox Bros Sign Inc	6733 Transit Rd	Er. Sign-Wall	
12537	Booker, Jeffrey	432 Aurora St	Er. Fireplace	
12538	Briarwood Day Care	4920 William St	Er. Sign-Temp	
12539	Balcerzak Builders	4779 Transit Rd	Er. Comm. Alt.	
12540	Transit-Rehm Assoc.	6363 Transit Rd	Er. Comm. Alt.	
12541	Blaser, Gary	52 Fourth Ave	Install sewer	(V/L)

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for  
sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance  
requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for  
conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town  
Ordinance required for sidewalks, however, the waiver is granted upon the expressed  
condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk  
installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote  
on roll call which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 8, 2005

File: Rbldg2

**SUSPENDED RESOLUTION:**

Supervisor Giza requested a suspension of the necessary rule for immediate consideration of the following resolution:

Council Member Ruffino moved to suspend the necessary rules for the immediate consideration of the following resolution, seconded by Council Member Amatura, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

**SUSPENSION GRANTED.**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS,** Assembly Majority Leader Paul A. Tokasz has secured \$20,000 through the New York State Office of Parks, Recreation and Historic Preservation to improve picnic shelter facilities at Keysa Park; and

**WHEREAS,** improvement of picnic shelter facilities will enhance the recreational facilities available in the community.

**NOW THEREFORE BE IT**

**RESOLVED,** that Robert H. Giza, as Supervisor, of the Town of Lancaster, is hereby authorized to sign legal documents on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 8, 2005

#### **COMMUNICATIONS & REPORTS:**

46. Town Attorney to Municipal Review Committee -  
Notice of special meeting of the Municipal Review Committee to be held Tuesday, January 18, 2005 at 6:30 PM to adopt a findings statement of the proposed Pleasant Meadows Subdivision. DISPOSITION = Received & Filed
47. NYS DEC to Town Attorney -  
Comments and concerns regarding the proposed Windsor Ridge South Subdivision. DISPOSITION = Planning Committee
48. Building Inspector to Town Board -  
Request that the Town erects a fence at rear of particular Michael Anthony Lane properties to deter vandalism. DISPOSITION = Town Attorney
49. Bella Vista to Supervisor -  
Letter requesting extension of site plan approval for proposed Gateway Center, Transit Road & William Street. DISPOSITION = Resolution 2/8/05
50. NYS DOT to Supervisor -  
Notice of proposed road resurfacing for Transit Road between Clinton Street and French Road. DISPOSITION = Received & Filed
51. General Crew Chief to Erdman Anthony -  
Notice of preliminary approval of Community Block grant for Town Hall restroom renovations and replacement of front doors. DISPOSITION = Received & Filed
52. NYS Assembly Majority Leader Paul A. Tokasz to Supervisor -  
Letter regarding recent court decision concerning state budget process. DISPOSITION = Received & Filed
53. Adelphia to Supervisor -  
Letter advising of migration to new cable packages. DISPOSITION = Received & Filed
54. Adelphia to Supervisor -  
Letter advising of price adjustments for local cable service. DISPOSITION = Received & Filed
55. NYS Assembly Majority Leader Paul A. Tokasz to Supervisor -  
Letter advising of \$50,000 grant for the Lancaster Heritage Trail. DISPOSITION = Received & Filed
56. Erie County Executive to Supervisor -  
Letter advising of \$90,000 Community Block grant approval for Town Hall ADA improvements. DISPOSITION = Received & Filed
57. Highway Superintendent to Town Board -  
Request resolution to purchase new pick-up truck from off of State Contract list. DISPOSITION = Resolution 2/8/05
58. Highway Superintendent to Town Board -  
Transmittal of 2005 Annual Agreement to Spend Town Highway Funds. DISPOSITION = Received & Filed
59. Highway Superintendent to Planning Board Chairman -  
Notice of no concerns regarding proposed Pleasant Heights Subdivision. DISPOSITION = Planning Committee
60. Federal Emergency Management Agency to Supervisor -  
Letter regarding floodplain impact of proposed Whispering Pines Subdivision east side of Aurora Street south of William Street. DISPOSITION = Town Engineer
61. Adelphia to Supervisor -  
Letter regarding recent decision to terminate the Empire Sports Network. DISPOSITION = Received & Filed

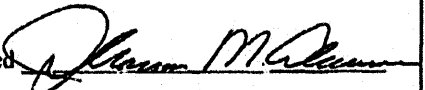
62. Village of Lancaster to Town Board -  
Minutes of meeting held January 10, 2005. DISPOSITION = Received & Filed
63. Erie County Department of Health to Town Clerk -  
Notice of Public Hearing to be held February 24, 2005 at 3:00 PM in the Rath Building regarding proposed amendments (attached) to Erie County Sanitary Code.  
DISPOSITION = Received & Filed
64. General Crew Chief to Planning Board Chairman, Planning Board, Council Members Montour, Ruffino, and Stempniak -  
Notice of no concerns regarding site plan of Carquest Distribution Center (correction noted) and proposed Pleasant Meadows Subdivision. DISPOSITION = Planning Committee
65. NYS DOT to Planning Board Chairman -  
Notice of selection of southern alignment option for Freeman Road regarding proposed Transit Road reconstruction. DISPOSITION = Planning Committee
66. Town of Concord to Town Board -  
Transmittal of resolution urging New York State legislature to reform Medicaid.  
DISPOSITION = Received & Filed
67. Town Clerk to Various News Media -  
Notice of the rescheduling of the regular meeting of Town Board from February 7, 2005 to February 8, 2005 and from February 22, 2005 to February 28, 2005.  
DISPOSITION = Received & Filed
68. General Crew Chief to Supervisor -  
Request appointment of Van Driver for Senior Center. DISPOSITION = Resolution 2/8/05
69. Planning Board Chairman to Planning Board, Town Board, Town Engineer, Highway Superintendent, Deputy Town Attorney, Building Inspector -  
Draft copy of Planning Board minutes of meeting held February 2, 2005.  
DISPOSITION = Received & Filed
70. Planning Board to Town Board -  
Recommend approval of Revised Sketch of proposed Pleasant Heights Subdivision, west side of Forton Drive. DISPOSITION = Planning Committee
71. Planning Board to Town Board -  
Recommend approval of Site Plan of proposed CarQuest Distribution Center, south side of Walden Avenue, east of Lancaster Airport; comments noted. DISPOSITION = Planning Committee
72. Planning Board to Town Board -  
Recommend approval of Preliminary Plat of proposed Pleasant Meadows Subdivision, south side of Pleasant View Drive; conditions noted. DISPOSITION = Planning Committee
73. Planning Board to Town Board -  
Recommend approval of Sketch Plan of proposed Deer Run Estates, south side of William Street, west side of Lake Avenue; comments noted. DISPOSITION = Planning Committee
74. Supervisor to Town Clerk -  
Notice of invitation to Lancaster Historical Society Board to meet with Town Board, Tuesday, February 8, 2005 at 6:30 PM. DISPOSITION = Received & Filed
75. Greater Buffalo-Niagara Regional Transportation Council to Town Board -  
Notice of meeting to be held Friday, February 11, 2005, 9:00 AM in Niagara Falls.  
DISPOSITION = Town Engineer

76. NYS Environmental Facilities Corporation to Town Board -  
Notice of Amendment No. 1 to the Clean Water State Revolving Fund Intended Use  
Plan effective January 21, 2005. DISPOSITION = Town Engineer
77. Greater Buffalo-Niagara Regional Transportation Council to Town Clerk -  
Notice of meeting to be held Wednesday, February 9, 2005, 9:30 AM at City Hall.  
DISPOSITION = Town Engineer
78. NYS Office of Real Property Services to Supervisor -  
Notice of 2004 Maintenance Aid Certification. DISPOSITION = Received & Filed
79. Erie County Department of Emergency Services to Emergency Service Agencies -  
Comments regarding the Erie County 2005 Budget. DISPOSITION = Received &  
Filed
80. Chief of Police to Supervisor, Town Board -  
Request to charge fees for fingerprint services by the Detective Bureau for non-  
criminal purposes. DISPOSITION = Resolution 2/8/05
81. Donald G. Symer to Town Board -  
Concerns regarding debris in drainage culvert in Kennedy Court Subdivision.  
DISPOSITION = Town Engineer
82. Erie County Department of Environment & Planning to Town Attorney -  
Recommendations regarding Revised Plat Plan of proposed Pleasant Heights  
Subdivision, east side of Forton Drive. DISPOSITION = Planning Committee

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER AMATURA AND CARRIED, the meeting was adjourned at 9:45 P.M.**

Signed

A handwritten signature in dark ink, appearing to read 'Johanna M. Coleman', written over a horizontal line.

Johanna M. Coleman, Town Clerk